



#3

Attorney Docket No: CMRX-027/01US

PATENT

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

FACILE DEPROTECTION OF FMOC PROTECTED AMINO GROUPS

the specification of which:

(check one)

☐ is attached hereto;

☒ was filed as United States Application Serial No. 09/939,455 on August 24, 2001, and identified as Attorney Docket No. CMRX-027/01US;

☐ was filed as PCT International Application No. ____ on ____ and was amended under PCT Article 19 or Article 34 on ____ (if applicable);

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information which is known to me to be material to the patentability of said invention in accordance with 37 C.F.R. §1.56;

I hereby claim foreign priority benefits under 35 U.S.C. §119 and/or §365 of any foreign application(s) for patent, any foreign application(s) for inventor's certificate, or any PCT international application(s) designating at least one country other than the United States of America listed below; I have also identified below any foreign application(s) for patent, any foreign application(s) for inventor's certificate, or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

Prior Foreign Application(s)

| COUNTRY/INTERNATIONAL | APPLICATION NUMBER | DATE OF FILING (day, month, year) | PRIORITY CLAIMED |
|-----------------------|-----------------------|--------------------------------------|--|
| | | | <input type="checkbox"/> YES <input type="checkbox"/> NO |

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

60/227,894
(Application Number)

August 25, 2000
(Filing Date) (day, month, year)

I hereby claim the benefit under 35 U.S.C. §120 and/or §365 of any United States application(s) or of any international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

Prior U.S. Application(s) or PCT International Applications Designating the U.S. for benefit under 35 U.S.C. §120

| U.S. APPLICATIONS | | | STATUS <i>(check one)</i> | | |
|---------------------------------------|-------------------------------------|--------------------------------|---------------------------|--------------------------|--------------------------|
| U.S. APPLICATION NO. | U.S. FILING DATE (day, month, year) | | Pending | Patented | Abandoned |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| PCT APPLICATIONS DESIGNATING THE U.S. | | | | | |
| PCT APPLICATION NO. | PCT FILING DATE (day, month, year) | U.S. APPLICATION NOS. (if any) | | | |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **James E. SHEPPECK II**

Inventor's signature James E. Sheppeck II Date Nov 2, 2001
 Residence: 117 Belmont Drive, Wilmington, Delaware 19808
 Citizen of: United States
 Post Office Address: same as above



Attorney Docket No: CMRX-027/01US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of James E. Sheppeck II

Serial No.: 09/939,455

Examiner: Not assigned

Confirmation No.: 3654

Art Unit: 1646

Filed: August 24, 2001

For: FACILE DEPROTECTION OF FMOC PROTECTED AMINO GROUPS

Commissioner for Patents
Washington, D.C. 20231

**POWER BY ASSIGNEE
AND STATEMENT UNDER 37 C.F.R. §3.73(b)**

The Assignee of the entire right, title, and interest in the above-identified application hereby grants the registered practitioners of Cooley Godward LLP included in the Customer Number provided below power to act, prosecute, and transact all business in the U.S. Patent and Trademark Office in connection with this application, any applications claiming priority to this application, and any patents issuing therefrom.

The Assignee certifies that to the best of its knowledge and belief it is the owner of the entire right, title, and interest in and to the above-identified application as evidenced by:

- [x] An assignment document, a copy of which is enclosed herewith;
- [x] An assignment of rights previously recorded on February 5, 2001, at Reel 11503, Frame 0257 to ChemRx Advanced Technologies, Inc., a division of Discovery Partners International, Inc.

Please direct all telephone calls and correspondence to:

COOLEY GODWARD LLP

ATTN: Patent Group

Five Palo Alto Square

3000 El Camino Real

Palo Alto, CA 94306-2155

Tel: (650) 843-5000

Fax: (650) 857-0663

CUSTOMER NUMBER: **23419**

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the Assignee.

Date:

Sept. 26, 2001

Signature:

Name:

David Coffen, Ph.D.

Title:

Chief Scientific Officer, VP, Chemistry

Company:

Discovery Partners International, Inc.

CMRX-027/0005

SPE



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APRIL 24, 2001

PTAS



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COOLEY GODWARD LLP
SHELLEY P. EBERLE
FIVE PALO ALTO SQUARE
3000 EL CAMINO REAL
PALO ALTO, CA 94306-2155

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 02/05/2001

REEL/FRAME: 011503/0257
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

SHEPPECK, JAMES E. II

DOC DATE: 12/12/2000

ASSIGNEE:

CHEMRX ADVANCED TECHNOLOGIES, INC.
385 OYSTER POINT BLVD., SUITE 1
SOUTH SAN FRANCISCO, CALIFORNIA

94080

SERIAL NUMBER: 60227894
PATENT NUMBER:

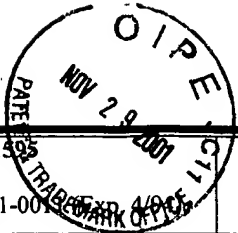
FILING DATE: 08/25/2000
ISSUE DATE:

SONYA JOHNSON, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

RECEIVED

APR 30 2001

COOLEY GODWARD LLP
30AP01 Nje/m



02-14-2001
101613835

FORM PTO-1595
(Rev. 6-93)
OMB No. 0651-0047
REC

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

To the honorable Commissioner of Patents and Trademarks: Please record and original documents or copy thereof.

| | |
|---|--|
| <p>1. Name of conveying party(ies): James E. SHEPPECK, II</p> <p>Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> | <p>2. Name and address of receiving party(ies): ChemRx Advanced Technologies, Inc. 385 Oyster Point Blvd., Suite 1 South San Francisco, CA 94080</p> <p>Additional name(s) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> |
| <p>3. Nature of Conveyance:</p> <p>[X] Assignment [] Merger</p> <p>[] Security Agreement [] Change of Name</p> <p>[] Other:</p> <p>Execution Date: 12/12/2000</p> | |

| | | | | | |
|---|--|--|------------------|--|--|
| <p>4. Application number(s) or patent number(s) If this document is being filed together with a new application, the execution date of the application is:</p> <table border="0"><tr><td>A. Patent Application No.(s) 60/227,894</td><td>B. Patent No.(s)</td></tr><tr><td colspan="2">Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</td></tr></table> | | A. Patent Application No.(s) 60/227,894 | B. Patent No.(s) | Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| A. Patent Application No.(s) 60/227,894 | B. Patent No.(s) | | | | |
| Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | | | |
| <p>5. Name and address of party to whom correspondence concerning document should be mailed:</p> <p>Shelley P. Eberle Cooley Godward LLP Five Palo Alto Square 3000 El Camino Real Palo Alto, CA 94306-2155</p> | <p>6. Total number of application and patents involved: 1</p> <p>7. Total Fee (37 CFR 3.41).....\$40.00 [X] Enclosed [] Authorized to be charged to deposit account</p> <p>8. Deposit account number: 03-3117 (Attach duplicate copy of this page if paying by deposit account)</p> | | | | |

02/13/2001 BY: [signature] 40.00 DP

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Reg. No.: 31,411 Name of Person Signing: Shelley P. Eberle

Signature: [signature] Date: 1-30-01

Total number of pages including cover sheet, attachments, and document: 3

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Box Assignment, Washington, D.C. 20231 on January 30, 2001.

By: [signature]
Vikki L. Athen

ASSIGNMENT

Whereas, James E. Sheppeck II residing at 2326 Alameda de las Pulgas, San Mateo, California 94403 (hereinafter referred to individually and collectively as "Inventor") have made an invention relating to certain new and useful improvements in:

FACILE DEPROTECTION OF FMOC PROTECTED AMINO GROUPS

and executed therefor an Application for Letters Patent of the United States and

[X] bearing Serial No. 60/227,894 and filed on August 25, 2000

Whereas, ChemRx Advanced Technologies, Inc. (hereinafter "Assignee"), a corporation of Delaware, and having a principal place of business at 385 Oyster Point Blvd., Suite 1, South San Francisco, CA 94080, is desirous of acquiring the entire right, title, and interest in and to said invention, said Application, and the Letters Patent to be obtained therefor:

Now, therefore, for and in consideration of One Dollar and other good and valuable considerations, to Inventor in hand paid, the receipt and sufficiency whereof are hereby acknowledged, Inventor has sold, assigned, and set over and by these presents does hereby sell, assign, and set over unto Assignee and Assignee's legal representatives, successors and assigns, the entire right, title, and interest in and to said invention, said Application and any other application, domestic or foreign, that claims said invention, as well as any Letters Patent, domestic or foreign, that may or shall issue thereon; and Inventor does hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to the above-mentioned Assignee agreeably with the terms of this Assignment.

The terms "Application" and "Application for Letters Patent" as used herein include both provisional and non-provisional applications.

Inventor hereby authorizes the above-mentioned Assignee or its legal representative to insert in this instrument the filing date and serial number of said Application or any other information that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

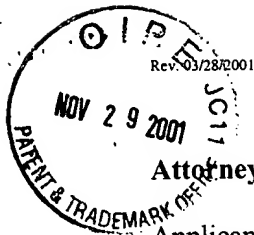
Upon said consideration, Inventor conveys to Assignee the right to make application in its own behalf for protection of said invention in countries foreign to the United States and where expedient to claim under the International Convention or other international arrangement for any such application the date of the United States application (or other application if any there be) in priority to other applications; and **Inventor does hereby covenant** and agree with Assignee that Inventor will not execute any writing or do any act whatsoever conflicting with these presents, and that Inventor will at any time upon request, without further or additional consideration, but at the expense of Assignee, execute such additional assignments and other writings and do such additional acts as Assignee may deem necessary or desirable to perfect Assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, divisional, continuation, continuation-in-part, renewal, reexamined, reissued or extended Letters Patent of the United States or of any and all foreign countries on said invention, and in enforcing any rights or chose in action accruing as a result of such applications or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being understood that the foregoing

covenant and agreement shall bind and inure to the benefit of the assigns and legal representatives of both parties.

Date: Dec 12, 2000

By: James E. Sheppeck II
James E. Sheppeck II

547719 v1/PA
BQMF011.DOC



Attorney Docket No. CMRX-027/01US

PATENT

Applicant or Patentee: James E. Sheppeck, II
Serial No.: 09/939,455 Patent No.:
Filed: August 24, 2001 Issued:
For: FACILE DEPROTECTION OF FMOC PROTECTED AMINO GROUPS

**ASSERTION OF ENTITLEMENT TO SMALL ENTITY STATUS UNDER
37 C.F.R. §1.27 - SMALL BUSINESS CONCERN**

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: Discovery Partners International, Inc.
Address of Small Business Concern: 9640 Towne Centre Drive
San Diego, CA 92121

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. §121 for purposes of paying reduced fees under 35 U.S.C. §§41(a) and (b), in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both;

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled FACILE DEPROTECTION OF FMOC PROTECTED AMINO GROUPS and described in:

- ☐ the specification filed herewith;
☒ the application identified above; or
☐ the patent identified above;

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. §1.27(a)(1) or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.27(a)(2) and 13 C.F.R. §121 or a nonprofit organization under 37 C.F.R. §1.27(a)(3):

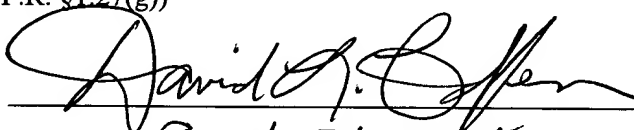
*NOTE: Please obtain separate Assertions of Entitlement to Small Entity Status from each named person, concern or organization having rights to the invention averring to their status as small entities.

Name:
Address:

☐ Individual ☒ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. §1.27(g))

Signature



Date

Sept. 26, 2001

Name of Person Signing

David Coffen, Ph.D.

Title of person other than owner

Chief Scientific Officer, Vice President, Chemistry

Address of person signing

9640 Towne Centre Drive

San Diego, CA 92121